

**REMARKS**

Applicants respectfully request reconsideration of the Application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-4, 9-12 are amended. Claim 13 is newly added. No new matter is added. Accordingly, Claims 1-13 will be pending in the present Application upon entry of this Amendment and Reply.

Applicants thank Examiner Blankenship for the interview conducted on February 25, 2009 and for the discussion regarding proposed claim amendments that would place claims 1-13 in condition for allowance. The claims have been amended accordingly and are now believed to be in condition for allowance.

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**Claim Objections**

**1. Claim 3**

On page 2 of the Office Action, the Examiner objected to Claims 3 because of informalities. Examiner states that in Claim 3, line 1, “looking” should be –locking–; and in Claim 3, line 1, “back seat” should be –non-first row seat–.

Claim 3 is amended solely for the purposes of addressing the claim objection and not for overcoming any prior art reference, to now recite “locking” and “the seat.” Applicants respectfully assert the claims are now definite and request withdrawal of the objection to Claim 3.

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**Claim Rejections – 35 U.S.C. § 102**

**1. Claims 1-3 (Arai et al.)**

On page 2 of the Office Action, the Examiner rejects Claims 1-3 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,183,033 to Arai et al. (“Arai”).

Independent Claim 1 recites, *inter alia*, “a method of reconfiguring a vehicle seat for facilitating ingress and egress in a vehicle” comprising, in combination with other elements, “a seat back,” “a seat cushion,” “a track assembly” and “a linkage assembly,” the method comprising the steps of “unlatching the seat cushion,” sliding the vehicle seat in the first direction,” and “moving the seat cushion from a first position wherein the seat cushion is substantially perpendicular to the seat back to a second position wherein the rear of the seat cushion is adjacent to the seat back and positioned above the front of the seat cushion and the seat cushion is aligned with respect to the seat back.” Claims 2-3 depend from independent Claim 1.

Arai does not disclose, teach or suggest “a method of reconfiguring a vehicle seat for facilitating ingress and egress in a vehicle,” as recited in independent Claim 1. In particular, Arai does not disclose moving the seat cushion from a first position wherein the seat cushion is substantially perpendicular to the seat back to a second position wherein the rear of the seat cushion is adjacent to the seat back and the rear of the seat cushion is positioned above the front end of the seat cushion and the seat cushion is aligned with respect to the seat back, as best shown in Figure 2 of the present application (10/577,747).

Arai, at best, appears to disclose a seat cushion (47) that rotates and tumbles forward about a front end supporting fulcrum (104) such that the seat base cushion is pivoted away from the seat back (52). The seat base cushion is not pivotably coupled to the seat back (52) (Arai: col. 8, ln. 50-57; FIG. 14). Accordingly, Arai does not anticipate that which is disclosed and claimed in the present application.

Claims 2-3 which depend from independent Claim 1 are therefore also patentable (35 U.S.C. § 112 ¶ 4). Applicants respectfully request withdrawal of the rejection of Claims 1-3 under 35 U.S.C. § 102(b).

## **2. Claims 4-7 and 12 (Fowler et al.)**

On page 3 of the Office Action, the Examiner rejects Claims 4-7 and 12 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,702,145 to Fowler et al. (“Fowler”).

Independent Claim 4 recites, *inter alia*, “a method of stowing a non-first row seat of a vehicle” comprising, in combination with other elements, “a seat cushion pivotably coupled to a seat back,” and “a seat track,” the method comprising the steps of “manipulating a lever associated with the non-first row seat to stow the non-first row seat,” “moving the seat cushion forward and downward such that the seat cushion is closer to the vehicle floor,” and “rotating the seat back to a position adjacent to the seat cushion.” Claims 5-7 depend from independent Claim 4.

Fowler does not disclose, teach or suggest “a method of stowing a non-first row seat of a vehicle,” as recited in independent Claim 4. In particular, Fowler does not disclose a seat cushion pivotably coupled to a seat back and moving the seat cushion forward and downward such that the seat is closer to the vehicle floor, as best shown in Figure 3 of the present application (10/577,747).

Fowler, at best, appears to disclose a seat cushion (42) that rotates and tumbles forward about a forward end (34) of a seat frame structure (30) away from the seat back (52) (Fowler: col. 4, ln. 53-58; FIG. 5). Accordingly, Fowler does not anticipate that which is disclosed and claimed in the present application.

Claims 5-7 which depend from independent Claim 4 are therefore also patentable (35 U.S.C. § 112 ¶ 4). Claim 12 is amended to now depend from allowable Claim 8 and therefore the rejection of Claim 12 is now moot. Applicants respectfully request withdrawal of the rejection of Claims 4-7 and 12 under 35 U.S.C. § 102(b).

### **3. Claim 11 (Sugimoto et al.)**

On page 3 of the Office Action, the Examiner rejects Claim 11 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent App. No. 2002/0043850 to Sugimoto et al. (“Sugimoto”).

Independent Claim 11 recites, *inter alia*, “a method for facilitating vehicle ingress and egress with a vehicle” comprising, in combination with other elements, “a seat cushion pivotably coupled to a seat back,” and “a seat track,” the method comprising the steps of “manipulating a first mechanism of the non-first row seat for adjusting a seat cushion to flip

forward,” “rotating the seat cushion,” and “moving the non-first row seat in the seat track to a pre-selected position after rotating the seat cushion.”

Sugimoto does not disclose, teach or suggest “a method for facilitating vehicle ingress and egress with a vehicle,” as recited in independent Claim 11. In particular, Sugimoto does not disclose a seat cushion pivotably coupled to a seat back and moving the non-first row seat in the seat track to a pre-selected position after rotating the seat cushion, as best shown in Figure 3 of the present application (10/577,747).

Sugimoto, at best, appears to disclose a seat cushion (42) that rotates and tumbles forward about a base plate (8) of a seat slide device (2) away from the seat back (5) (Sugimoto: pg. 3, par. [0050]; FIG. 2). Accordingly, Sugimoto does not anticipate that which is disclosed and claimed in the present application. Applicants respectfully request withdrawal of the rejection of Claim 11 under 35 U.S.C. § 102(b).

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#### **Allowable Subject Matter**

On page 4 of the Office Action, Examiner states that Claims 8-10 are allowed. Applicants thank and agree with the Examiner for the indication of allowable subject matter.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 12-2136. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 12-2136. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 12-2136.

Applicants respectfully assert that all issues raised in the Office Action have been fully addressed in this Preliminary Amendment and Response and that the claims as pending are now in condition for allowance which action is respectfully requested. If the Examiner disagrees with the above for any reason and believes a telephone interview would be useful in resolving any such issue, it is requested that the Examiner contact the undersigned.

Respectfully submitted,

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